

## **Rule 375-5-2-.26 Driver Training School or Limited Driver Training School Fines**

- (1) The Commissioner of the Department may impose an administrative fine not to exceed \$1,000 per violation against any driver training school or limited driver training school that fails to comply with the rules and regulations of the Department.
  - (a) Violations that are minor in nature as determined by the Department shall be punished only by a written reprimand unless the person, firm, or corporation fails to remedy the violation within thirty (30) days.
  - (b) Failure to remedy violations that are minor in nature within thirty (30) days may result in an administrative fine, not to exceed \$250.00.
- (2) The Department shall issue, by U.S. Mail or personal service, a notice including the following information:
  - (a) A concise statement of violations and applicable statutes and regulations;
  - (b) A statement of the legal authority and jurisdiction under which the notice has been issued;
  - (c) A notice of amount claimed and notice of the maximum amount authorized pursuant to applicable statutory provisions;
  - (d) A statement regarding the driver training school or limited driver training school's right to pay the fine assessed or, within thirty (30) days of receipt of the notice, request a hearing to contest the imposition of the fines.
  - (e) Such notice shall be deemed received ~~three (3)~~four (4) days after mailing.
- (3) In the event that the driver training school or limited driver training school fails to request a hearing within thirty (30) days' receipt of the notice, any rights to an appeal and hearing shall be considered to have been waived; and the assessed fine shall become effective upon the expiration of the thirty (30) day notice period.
- (4) A driver training school and/or limited driver training school may ~~contest~~appeal the imposition of a fine pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.~~by submitting to the Department a written request for hearing within thirty (30) days' receipt of the notice, which should contain the following information:~~
  - ~~(a) A case name and number;~~
  - ~~(b) The complete name and address of the party filing the request;~~
  - ~~(c) The name and address of counsel, if represented.~~

~~Upon receipt of a timely, properly filed request for a hearing, the Department will forward the request and all pertinent documents to the Georgia Office of State Administrative Hearings.~~

- (5) ~~The appeals and hearing procedure shall be in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act".~~
- (6) ~~If the driving training school and/or limited driver training school has exhausted all administrative remedies available and is aggrieved or adversely affected by the Commissioner's action, the driving training school and/or limited driver training school shall have the right of judicial review in accordance with Chapter 13 of Title 50 of the Official Code of Georgia Annotated.~~

**Authority: O.C.G.A. §§ 43-13-8, 50-13-17, 50-13-19.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to update and reference the new single appeal rule where all applicable procedures can be found.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

This proposed amendment adds a reference to the new single appeal rule, Ga. Comp. R. & Regs. R. 375-1-1-.06. Language about the previous appeal procedure is removed. The rule title is also updated to reflect to what this rule is referring.